

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: 650 FIFTH AVENUE AND
RELATED PROPERTIES

08 Civ. 10934 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

In advance of the probable cause hearing currently scheduled to commence--pending further order by the Court of Appeals--on October 13, 2020, at 10:30 a.m., the Court writes to address several logistical issues.

First, in an email exchange with the Court, the Claimants requested a modest adjournment of the probable cause hearing in order to allow the Court of Appeals additional time to rule on extending (or not extending) the stay of this action pending the parties' cross-appeals. The request for an adjournment is denied. The Court of Appeals' order staying this action (dkt. no. 2318) plainly states that the stay expired on October 5. The Court of Appeals did not at oral argument on the parties' cross-appeals extend or otherwise address the stay despite its awareness that the probable cause hearing was scheduled to commence on October 13. Given that awareness, the Court presumes that the Court of Appeals, if it so wished, could easily have extended the stay of this action at any time. Without further word from the Court of

Appeals, however, the Court sees no reason at present to further delay the probable cause hearing.

Second, interested parties, members of the public, and members of the press may listen to the conference by using the following dial-in number: (888) 363-4734, access code: 4645450. The Court notes that the line will be open in order to permit the participation of counsel for the Judgment Creditors who wish to participate telephonically and requests that those who dial in mute their conference lines to avoid disrupting the proceedings.

Third, due to distancing efforts related to the COVID-19 pandemic, there is extremely limited seating capacity in the courtroom. The tables--which can each accommodate three attorneys--are reserved exclusively for use by counsel for the Government and for Claimants. Should the Government or Claimants wish to bring additional attorneys or paralegals to the hearing, those individuals should plan to arrive early in order to reserve space for themselves in the audience or in the jury box. To the extent that counsel for the Judgment Creditors, who have an interest in the outcome of the probable cause proceeding, wish to attend the hearing in person, the Court requests that they make reasonable efforts to accommodate the Government's or Claimants' need for space in the courtroom. In the event an overflow courtroom is made available, the Court will notify counsel. The

Judgment Creditors are also welcome to attend and participate in the hearing using the dial-in number listed above.¹

Fourth, attorneys who will be appearing in-person and who wish to bring telephones, tablets, or other electronic devices to the courtroom should submit their requests on the usual forms by email to PreskaNYSDChambers@nysd.uscourts.gov.

SO ORDERED.

Dated: New York, New York
October 7, 2020



LORETTA A. PRESKA
Senior United States District Judge

¹ While the Court understands that this arrangement is certainly not ideal, it notes that, despite the fact that the interests of the Government and the Judgment Creditors are aligned, it is the Government's burden to demonstrate probable cause. As such, the Court expects--though it does not require--that the Government will be the primary participant in the hearing and that the Judgment Creditors' degree of participation will be more limited. This counsels in favor of reserving physical space in the Courtroom for the Government and for Claimants.